

## REMARKS

In the Office Action mailed March 25, 2003, the Examiner determined that restriction is required under 35 U.S.C. § 121 because claims 1-23 and 48 ("Invention 1") and claims 24-47 ("Invention 2") pertain to distinct inventions. Further, the Examiner determined that the Applicants disclosed several distinct species and therefore must elect one such disclosed species as required under 35 U.S.C. § 121.

Applicants provisionally elect, with traverse, the claims of Invention I for the sole purpose of satisfying the restriction requirement. If the Examiner considers the arguments set forth below to be unpersuasive, please remove from examination and cancel, without prejudice, claims 24-47.

Applicants provisionally elect, with traverse, the species disclosed in FIGS. 2 & 3 for prosecution on the merits to which the claims should be restricted if no generic claim is finally held to be allowable. The claims readable on the species disclosed in FIGS. 2 & 3 are 1-9, 15-17, 24-29, 32-38, and 44-48. For the sole purpose of satisfying the restriction requirement, Applicants are removing from consideration the non-elected claims with traverse.

Applicants are amending claims 15, 26, 36, & 40-42. A marked-up version of the claims showing changes made is provided in the Appendix.

### Election/Restriction Based on Distinct Inventions

In paragraphs 3 and 4, the Examiner stated that Inventions I and II relate to a process and an apparatus for the practice of that process. The Examiner then reasoned that according to MPEP § 806.05(e) Inventions I and II are distinct because (i) the process as claimed can be practiced by another materially different apparatus or by hand or (ii) the apparatus as claimed

can be used to practice another and materially different process. Specifically, the Examiner argued that the claimed apparatus may be used in conjunction with an attenuative backing to reduce internal acoustic reflections. Applicants respectfully traverse.

The processes recited in claims 24-47 set forth a method of making an ultrasound system (i.e., the system recited in claims 1-23 and 48), not a method of using an ultrasound system. Applicants therefore have not claimed any type of process that can be practiced by any of the claimed apparatuses. For this reason, Applicants submit that MPEP § 806.05(e) is not applicable to claims 1-48 and respectfully request withdrawal of the restriction requirement and examination of claims 1-48.

#### Election/Restriction Based on Distinct Species

In paragraph 5, the Examiner stated that claim 1, for example, is considered generic regarding species disclosed in FIGS. 2, 4 and 6-10 and that Applicants must elect a single disclosed species as required under 35 U.S.C. § 121. Applicants respectfully traverse.

As provided by MPEP 806.04(d), *Definition of a Generic Claim*, a generic claim should read on each of the figures cited by the Examiner. Applicants contend that each of the independent claims 1, 2, 15, 24, 25, 36, 44, 46, 47, & 48 read on each of the figures cited by the Examiner. The different embodiments disclosed in FIGS. 2, 3, 4, and 6-10 differ primarily in the structure of intermediate structure 204 and intermediate elements 306, 406, 704, 902. For example, the specification states that “FIGS. 5-10 differ from one another primarily in the make up of intermediate structure 204” (Specification, pg. 19, lines 17-18). Claim 1 recites “a cableless coupling assembly,” which reads on each of the cited figures. Claim 2 recites “an acoustically isolating assembly,” which reads on each of the cited figures. Claim 15 recites “an

acoustically isolating assembly having posts configured to be electrically conductive and acoustically attenuating,” which reads on each of the cited figures. Claim 24 recites “a cableless coupling,” which reads on each of the cited figures. Claim 25 recites “an acoustically isolating assembly,” which reads on each of the cited figures. Claim 36 recites “an acoustically isolating structure having posts configured to be electrically conductive and acoustically attenuating,” which reads on each of the cited figures. Claim 44 recites “a cableless coupling,” which reads on each of the cited figures. Claim 46 recites “an acoustically isolating assembly,” which reads on each of the cited figures. Claim 47 recites “an acoustically isolating assembly having at least posts that are electrically conductive and acoustically isolating,” which reads on each of the cited figures. Claim 48 recites “a cableless coupling means,” which reads on each of the cited figures.

As shown, each of the independent claims “comprehend[s] within its confines the organization covered in each of the species,” and therefore, each independent claim is generic. MPEP 806.04(d). Further, since claims 3-14, 16-23, 26-35, 37-43, & 45 are dependent upon the independent claims, they too should be examined as provided by 37 CFR §1.141:

Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, **provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75)** or otherwise include all the limitations of the generic claim (emphasis added).

Therefore, if an independent claim is found to be generic, Applicants are entitled to consideration of claims to additional species, which are written in dependent form. Thus,

Applicants respectfully request withdrawal of the restriction requirement and examination of claims 1-48.

Conclusion

Based on the above remarks, Applicants believe that they have overcome the restriction requirements set forth in the Office Action mailed March 25, 2003 and that claims 1-48 should be examined. If the Examiner has any questions, please contact Applicants' undersigned representative at the number given below.

Respectfully submitted,

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## APPENDIX

### Changes to the amended claims:

15. (Amended) A system comprising:
- circuitry having a signal generating and receiving unit;
  - acoustic transducing elements that include
    - an acoustically active material between two electrical contacts,
    - an acoustic matching assembly coupled to one of the two electrical contacts, and
    - an acoustic window coupled to the acoustic matching assembly;
  - a cableless coupling assembly coupled to the signal generating and receiving unit and the acoustic transducing elements, including at least
    - an acoustically isolating assembly having [at least] posts configured to be [of an] electrically conductive and acoustically attenuating [material], isolating the acoustic transducing elements; and
    - a filler material placed within kerfs formed by the acoustically isolating assembly.
26. (Amended) The [system] method of claim 25 wherein coupling the acoustic transducing elements includes interposing an acoustically active material between two electrical contacts.

36. (Amended) A method comprising:
- providing a generating and receiving unit;
- providing acoustic transducing elements, including
- interposing an acoustically active material between electrical contacts,
- coupling an acoustic matching assembly to one of the electrical contacts, and
- coupling an acoustic window to the acoustic matching assembly;
- cablelessly [cablelessly] coupling an acoustically isolating assembly to the generating and receiving unit and the acoustic transducing elements, the acoustically isolating assembly including
- an acoustically isolating structure having [at least] posts configured to be [of an]
- electrically conductive and acoustically attenuating [material]; and
- placing a filler material within kerfs formed by the acoustically isolating structure.
40. (Amended) The method of claim [36] 39 wherein the conductors are partially embedded within the posts.
41. (Amended) The method of claim [36] 39 wherein the conductors are attached to the outside of the posts.
42. (Amended) The method of claim [36] 39 wherein the conductors have an insulative backing that is coupled with the posts.